

An  
Bord  
Pleanála

## Board Order

**ABP-319237-24**

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### Planning and Development Acts 2000 to 2022

**Planning Authority: Limerick City and County Council**

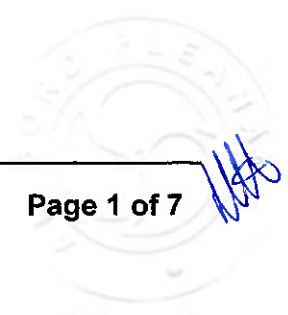
**Planning Register Reference Number: 23/60356**

**Appeal** by Eoin Ryan and Gormlaith Joyce of Kylemore, Graigue, Killarney Road, Adare, County Limerick and by Anne and Barry O’Riordan of Graigue, Adare, County Limerick against the decision made on the 14<sup>th</sup> day of February, 2024 by Limerick City and County Council to grant subject to conditions a permission to Rod O’Callaghan care of Shaws Consulting Engineers Limited of 1 Lower Mallow Street, Limerick in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of derelict cottage, construction of a new two-storey dwelling, decommissioning of existing septic tank, installation of a new packaged wastewater treatment system, entrance and all ancillary works, all at Graigue, Adare, County Limerick.

### Decision

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**



## Reasons and Considerations

Having regard to the provisions of the Limerick County Development Plan 2022-2028, and the Adare Local Area Plan 2024-2030, including the 'Existing Residential' zoning objective for the site, and Policy DS2 which seeks to consolidate existing development in the village through a range of measures, including infill development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the policies and objectives set out in the development plan and the local area plan, would not seriously injure the visual or residential amenities of the area, or the amenities of property in the vicinity, would provide an acceptable standard of amenity for future residents, and would not, by reason of overlooking, lead to loss of privacy or amenity in neighbouring properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board concurred with the planning authority that, given the site location within the settlement boundaries of Adare, the 'Existing Residential' zoning objective, the siting and design of the proposed dwelling, which will ensure that no overlooking or overshadowing of adjacent properties would occur, and the scale and size which is in keeping with the character of the area where two-storey dwellings already exist, the proposed development would not represent overdevelopment of the site and would not injure the residential and visual amenities of the area. The Board, therefore, considered that proposed development would be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 19<sup>th</sup> day of January, 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. All windows along the west elevation shall be opaque glass only.

**Reason:** In the interest of visual amenity.

3. Prior to commencement of development, revised drawings showing details of the proposed entrance and sightlines to meet the required standards shall be submitted to, and agreed in writing with, the planning authority and the proposed development shall be carried out and completed in accordance with the agreed details.

**Reason:** In the interest of traffic and pedestrian safety.

4. Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

5. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and residential amenity.

6. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

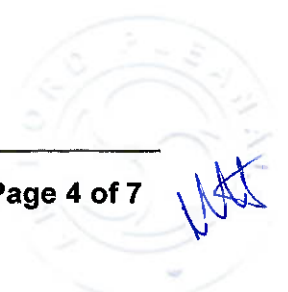
**Reason:** To prevent flooding and in the interest of sustainable drainage.

7. Prior to commencement of development, the developer shall enter into a water connection agreement with Uisce Éireann.

**Reason:** In the interest of public health.

8. The existing septic tank on the site serving the existing dwelling shall be decommissioned and shall be replaced with a new treatment system. Immediately upon commissioning of the new treatment system, the septic tank on the site shall be emptied (the contents appropriately disposed of) and rendered inoperable by filling with gravel or other suitable fill material and the percolation area shall be thoroughly disinfected.

**Reason:** In the interest of orderly development, and public health.

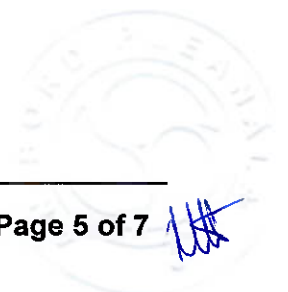


9. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with the application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the septic tank/wastewater treatment system shall be discharged to a percolation area/polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

**Reason:** In the interest of public health and to prevent water pollution.

10. All public service cables for the proposed development, including electrical and telecommunications cables, shall be located underground throughout the site.

**Reason:** In the interest of visual amenity.



11. Prior to commencement of development, the developer shall submit a revised Preservation Record to the planning authority, which shall be augmented through material sourced from the Valuation Office Records, the Dunraven Papers (if necessary) and other material that may be relevant on foot of such searches.

**Reason:** To protect architectural heritage of the area.

12. The site shall be landscaped using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the establishment of a hedgerow along all side and rear boundaries of the site. Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity.

13. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays, inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays.

Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

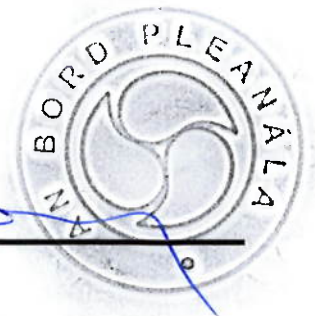


**Martina Hennessy**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**



**Dated this** 1st **day of** October **2024.**